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Notice of Allowability	Application No.	Applicant(s)	
	10/611,917	BAMBOT ET AL.	
	Examiner	Art Unit	
	Michael P. Stafira	2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3/4/2005.
2. ☒ The allowed claim(s) is/are 24-41 and 44-49.
3. ☒ The drawings filed on 03 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

1. Claims 24-41, 44-49 are allowed over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

The Applicant, in his "Amendment in Response to the Final Rejection" received March 4, 2005, canceled claims 42 and 43, and amended claims 40 and 41 to incorporate the objected subject matter of claim 41 as indicated by the Examiner in the Final Rejection.

With respect to the 35 U.S.C. 1039(a) rejection of the independent claim 40, the Applicant demonstrated to the Examiner's satisfaction that with the new amendment to claim 40 and 41, the primary reference of Sato ('462) in view of Winston ('210) is no longer applicable to the Applicant's invention.

Regarding claim 24, the prior art fails to disclose or make obvious an instrument for precisely determining characteristics of a target material having a mechanism attached wherein the mechanism is configured to allow the inner core to be rotated relative the outer housing between a plurality of precisely predetermined rotational positions relative to the outer housing to position said array at a plurality of generally adjacent locations, so that measurements can be taken sequentially through said fibers at generally adjacent locations while minimizing cross between fibers in said array, and in combination with the other recited limitations of claim 24. Claims 25-39 are allowed by the virtue of dependency on the allowed claim 24.

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Regarding claims 40 and 41, the prior art fails to disclose or make obvious an instrument for determining characteristics of a target material having the device configured such that positioning mechanism allows the detector to determine characteristics of a target material at a plurality of interrogation locations, and wherein none of the interrogation locations are coincident but close enough that if interrogated simultaneously would experience cross-talk between the locations, and in combination with the other recited limitations of claims 40 and 41.

Regarding claim 44, the prior art fails to disclose or make obvious a method of detecting characteristics of a target material having the steps of sequentially repositioning the plurality of interrogation devices so that they are adjacent at least one additional plurality of interrogation positions on the target material, wherein the first and at least one additional plurality of positions are not coincident but are sufficiently close that, if interrogated simultaneously would experience cross-talk there between; and detecting characteristics of the target material at the at least one additional plurality of interrogation positions, and in combination with the other recited limitations of claim 44. Claims 45-49 are allowed by the virtue of dependency on the allowed claim 44.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael P. Stafira
Primary Examiner
Art Unit 2877

March 18, 2005